

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GARY L. FISHER,

Defendant.

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CASE NO. 4:18-cr-80

OPINION & ORDER
[Resolving Doc. [9](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

The United States requests that the Court compel Defendant Gary Fisher to complete a handwriting sample.¹ Defendant Fisher opposes, arguing that compelling him to copy the exact text of a letter he allegedly sent violates the Fifth Amendment.² The Court disagrees. A handwriting sample is nontestimonial physical evidence a defendant must produce.³ However, the Fifth Amendment does prohibit a compelled handwriting sample from the government's dictation.⁴

The Court **GRANTS** the government's motion to compel. The government will provide Defendant Fisher with the language they wish him to copy in writing. Defendant Fisher's attorney will be present while the handwriting exemplar is created. The parties will schedule a mutually agreeable time, no later than March 20, 2018, to create this exemplar.

IT IS SO ORDERED

Dated: March 14, 2018

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

¹ Doc. [9](#).

² Doc. [10](#).

³ See [Gilbert v. California](#), 388 U.S. 263, 266 (1967).

⁴ See [United States v. Campbell](#), 732 F.2d 1017, 1021 (1st Cir. 1984).